

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RITA WOMMACK,)	ED100348
)	
Appellant,)	Appeal from the Circuit Court
)	of Warren County
v.)	11BB-CC00019
)	
EDWARD J. GREWACH,)	Honorable David B. Tobben
)	
Respondent.)	Filed: May 13, 2014

Appellant Rita Wommack appeals the trial court's summary judgment in favor of Respondent Edward Grewach on Appellant's legal malpractice claim. Appellant argues the trial court overlooked disputed material facts regarding Respondent's alleged negligent preparation of a deed of trust and a deed of release, alleged negligent misinformation inducing Appellant to borrow money, and alleged negligent failure to advise Appellant of the most appropriate course of action to achieve her desired result.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART.

Division Five Holds: The trial court did not err in granting summary judgment on Appellant's claims of malpractice concerning the February 2003 deed of trust and the December 2003 deed of release. There is no evidence Appellant was damaged by Respondent's failure to attach Exhibit A to the February 2003 deed of trust, and Missouri has not recognized an exception to a party's duty to read and understand a document before signing it, absent fraud. The summary judgment is affirmed in these respects.

However, Appellant has raised a genuine issue of material fact regarding whether Respondent negligently misinformed Appellant's son in 2007, and whether this misinformation caused damages to Appellant, thus summary judgment was improper on this claim. Additionally, the trial court erred in granting summary judgment on a claim not addressed by Respondent's summary judgment motion: whether Respondent negligently failed to advise Appellant regarding the most appropriate course of action.

Opinion by: Gary M. Gaertner, Jr., J.
Robert M. Clayton III, C.J., and Gary Dial, S.J., concur.

Attorneys for Appellant: Robert J. Albair, James A. Beckemeier
Attorneys for Respondent: R.C. Wuestling, M. Adina Johnson

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